

## **REMARKS**

### **A. Status of Claims.**

Favorable reconsideration of this application as presently amended is respectfully requested. Claims 14 and 18-31 are pending. In this Amendment, Claims 14 and 18-20 are amended, Claims 21-31 are added, and Claims 1-13 and 15-17 are cancelled. No new matter is added.

### **B. Support for New Claims**

Support for new Claims 21-31 is found in the specification at paragraphs [0043], [0044], [0045], [0046], and [0048] and in FIG. 1, as well as elsewhere in the originally filed specification, drawings and claims.

### **C. Response to Objection to Amendments to Specification.**

The objection to the specification under 35 U.S.C. § 132(a) at Sections 1 and 2 of the Office Action has been rendered moot by the above amendments to the specification. Paragraphs [0006], [0012], [0019], [0042], [0043], [0047], [0050] and [0051] has been amended to substantially correspond with these paragraphs as originally filed.

### **D. Response to Rejection of Claims 1, 4-10 and 13 under 35 U.S.C. § 102(e) as being anticipated by Fischer.**

At Section 3 of the Office Action, Claims 1 and 4-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,794,449 to Fischer (Fischer). This rejection has been rendered moot by the cancellation of Claims 1, 4-10 and 13.

**E.     Response to Rejection of Claims 2, 3, 11, 12 and 14-20 under 35 U.S.C. § 102(e) as being anticipated by Fischer.**

At Section 4 of the Office Action, Claims 2, 3, 11, 12 and 14-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer. This rejection is respectfully rendered moot in part and traversed with respect to the claims as currently presented.

The rejections of Claims 2, 3, 11, 12 and 15-17 have been rendered moot by the cancellation of these claims.

Claim 14 as currently presented claims the feature of adhering two or more building structure peripherals to one or more thermoplastic membranes using a pre-applied adhesive, wherein the one or more thermoplastic membranes are adhered to a building structure. Fischer does not teach or suggest adhering two or building structure peripherals to a thermoplastic membrane using a pre-applied adhesive. Therefore, Claim 14 is patentable over Fischer for at least this reason.

New Claims 21-27 are dependent on Claim 14, either directly or indirectly, and, therefore, are patentable over Fischer for at least the reasons discussed above with respect to Claim 14.

Claim 18 as currently presented claims the feature of adhering a universal flashing to two or more surfaces that are at one or more angles to each other using a pre-applied adhesive, wherein the two or more surfaces are part of one or more thermoplastic membranes adhered to a building structure. Fischer does not teach or suggest adhering universal flashing to two or more surfaces that are at one or more angles to each other using a pre-applied adhesive. Therefore, Claim 18 is patentable over Fischer for at least this reason.

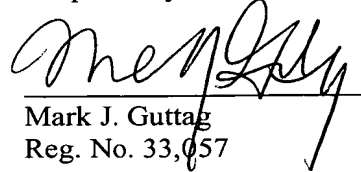
Claims 19, 20 and 28-31 are dependent on Claim 18, and, therefore, are patentable over Fischer for at least the reasons discussed above with respect to Claim 18.

**F.     Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in even further condition for allowance, and favorable action is respectfully solicited.

If the Examiner has any questions or concerns regarding the present response, the Examiner is invited to contact Mark J. Gutttag at 703-591-2664, Ext. 2006.

Respectfully submitted,



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